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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/149,424 09/08/98 GAUTIER

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MM91/0308

EXAMINER

TAMAI, K
ART UNIT

PAPER NUMBER

2834

DATE MAILED:

03/08/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/149,424

Applicant(s)

GAUTIER, JEAN

Examiner

Tamai IE Karl

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- 1) ☒ Responsive to communication(s) filed on 26 December 2000.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☒ All b) ☐ Some * c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☒ received.
2. ☐ received in Application No. (Series Code / Serial Number) _____.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- 14) ☒ Notice of References Cited (PTO-892)
- 15) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 16) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 17) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 18) ☐ Notice of Informal Patent Application (PTO-152)
- 19) ☐ Other: _____.

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DETAILED ACTION

Drawings

1. The objection to the drawings under 37 CFR 1.83(a) is withdrawn.

Claim Objections

2. The objection to Claim 8 because of minor informalities is withdrawn.

Claim Rejections - 35 USC ' 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 5-7 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 5, 6, 7, and 17 are vague and indefinite because it is unclear whether the applicant is attempting to claim an assembly of parts or a plinth. The independent claim 1 defines the invention as a plinth, while dependent claims 5-7 define the invention as an assembly and claim 17 defines an alternator. The examiner suggests that all dependent claims having a preamble consistent (the same as) the parent independent claim.

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Claim Rejections - 35 USC ' 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 2, 3, 5-13, 15, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mori et al.(Mori)(US 5,828,564) and Gautier(US 5,982,062) and Abadia et al.(Abadia)(US 5,883,450). Mori teaches an alternator having a diode with a casing 231b mounted on a plinth 231d inherently defining a vertical axis. The plinth includes a plug portion(side surface 231d) which is knurled to be press fit into a blind aperture 304a and an abutment portion which projects radially inward from the plug portion to form an upper engagement face. Mori inherently shows the diode secured to the plinth, but does not teach the diode casing welded to the plinth, the diode positioned within a cavity, or the abutment portion having a smaller radius than the abutment portion. Mori does not teach the diode mounted on the opposite side of the plinth from the stator. Gautier teaches the diode ND2 soldered to the plinth 2 and positioned within a cavity at 14b. Gautier does not teach the diode welded to the plinth. Abadia teaches the equivalence of soldering and welding the diode to a support(col. 4, line 33). Abadia teaches the plinth mounted on the end frame of an alternator on the opposite side of the plinth from the stator. Namba et al.(Namba)(US 4,472,649) teaches a plinth 68 the

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abutment portion having a greater radius than the plug portion(see figure 11). It would have been obvious to a person skilled in the art at the time of the invention to construct the diode support of Mori with the diode welded to the plinth because Gautier teaches that the diodes are fixed within a cavity by soldering, where it is know that soldering provides both a mechanical and electrical connection, and with the diode specifically fixed by welding because Abadia teaches the equivalence of soldering and welding, where it is within the ordinary skill in the art to chose between known equivalents, and with the plinth mounted on the outside end frame of an alternator because Abadia teaches the end frame is a feasible mounting structure for the rectifier diodes, with the abutment portion of Namba to help secure the plinth in the hole.

7. Claims 4, 14, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mori, Gautier, and Abadia in further view of Namba et al.(Namba)(US 4,472,649). Mori, Yoshino, and Abadia teach every aspect of the invention, except a lower engagement face oriented towards the plug portion defining a flat lower engagement zone at a right angle to the axis, and the plug and abutment portions being cylindrical disks with the plug portion having a smaller radius than the abutment portion. Namba(figure 11) shows the plinth 68 with fixed diodes 70a on an upper surface and a lower surface engaging the edge of the hole 76 for the plinth. The drawings suggest that the that the holes 76(see figure 5) is cylindrical, such that the plug portion is a cylindrical disk and the abutment portion is a cylindrical disk with a larger radius than

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the hole 76(see figure 11) It would have been obvious to a person skilled in the art at the time of the invention to construct the diode support of Mori, Yoshino, and Abadia with the plinth having the plug and abutment portions being cylindrical disks with the plug portion having a smaller radius than the abutment portion because Namba shows the flat lower engagement surface on the plinth is know to provide engagement with the mounting hole.

Response to Arguments

8. Applicant's arguments filed 12/26/2000 have been fully considered but they are not persuasive. The Applicant's argument regarding the 35 USC 112, second paragraph, is not persuasive. Claims 5-7 and 17 are vague and indefinite regarding the nature of the invention claimed. The Applicant's argument regarding the lack of suggestion to combine the references is not persuasive. The examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the references are found in the general knowledge of an electrical engineer, as set forth above.

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9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Brewster et al.(US 3,226,581) teaches a diode with an abutment portion having a larger radius than the plug portion.

Conclusion

10. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karl I.E. Tamai whose telephone number is (703) 305-7066.

The examiner can be normally contacted on Monday through Friday from 8:00 am to 4:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Nestor Ramirez, can be reached at (703)308-1371. The facsimile number for the Group is (703)305-3432.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.


Karl I Tamai
PRIMARY PATENT EXAMINER
March 6, 2001